

In the Court of Appeals of the State of Alaska

C.D. (Minor),)	
)	Court of Appeals No. A-12968
Appellant,)	
v.)	Order
)	
State of Alaska,)	
)	
Appellee.)	Date of Order: April 22, 2019
)	

Trial Court Case # **3AN-16-00004DL**

Before: Allard, Chief Judge, and Harbison, Judge*

C.D., a minor, appeals the superior court's order waiving him into adult court. In his appeal, C.D. argues that application of AS 47.12.100 to his case violated his privilege against self-incrimination under the state and federal constitutions. C.D. further argues that the remedy for this violation is remand for a new juvenile waiver hearing before a different juvenile court judge with instructions to provide C.D. with use and derivative use immunity. Lastly, C.D. argues that AS 47.12.100 violated his right to due process by forcing him to choose between his constitutional right to present a defense and his constitutional privilege against self-incrimination.

Under AS 22.05.015(b), the Alaska Supreme Court may take jurisdiction of a case if the Court of Appeals certifies that "the case involves a significant question of law under the Constitution of the United States or under the constitution of [Alaska]," or if the case "involves an issue of substantial public interest that should be determined by the supreme court."

We believe that the issues raised in this case involve "a significant question of law" under the Alaska Constitution. We also believe that the question of whether use

* Wollenberg, Judge, not participating.

and derivative use immunity should be provided to juveniles in a juvenile waiver hearing is “an issue of substantial public interest that should be determined by the supreme court.” We come to this conclusion for two reasons.

First, the issues presented here relate to questions of state-wide importance—and the answers to these questions will have repercussions far beyond this individual case.

Second, given the subject matter, C.D.’s case should be resolved on an expedited basis. No matter what decision this Court might issue, one or more of the parties will inevitably petition the supreme court to review our decision. By having the supreme court decide this case in the first instance, the court and the parties can avoid a significant amount of additional delay.

Accordingly, we respectfully request the Supreme Court to accept our certification of this appeal under AS 22.05.015(b), and to assume jurisdiction over this case.

Entered at the direction of the Court

Clerk of the Appellate Courts

M. Johnson, Deputy Clerk

cc: Supreme Court Justices
Court of Appeals Judges
Judge Saxby
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